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5 **UNITED STATES DISTRICT COURT**  
6 **DISTRICT OF NEVADA**  
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8 LUCIA PITCHER,

9 Plaintiff(s),

10 v.

11 MICHAEL J. ASTRUE,

12 Defendant(s).  
13

2:12-CV-1499 JCM (CWH)

14 **ORDER**

15 Presently before the court is Magistrate Judge Hoffman's report and recommendation  
16 dismissing plaintiff Lucia Pitcher's complaint with prejudice (doc. # 3). (Doc. # 4). No objections  
17 to the report and recommendation have been filed.<sup>1</sup>

18 This court "may accept, reject, or modify, in whole or in part, the findings or  
19 recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to  
20 a magistrate judge's report and recommendation, then the court is required to "make a de novo  
21 determination of those portions of the [report and recommendation] to which objection is made."  
22 28 U.S.C. § 636(b)(1).

23 Where a party fails to object, however, the court is not required to conduct "any review at all  
24 . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985).  
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26 <sup>1</sup> The court notes that plaintiff sent a letter requesting more time to respond because she is sick. (Doc. # 5-1).  
27 While the magistrate judge properly issued a minute order stating that letters to the court will be disregarded (doc. # 5);  
28 the court, in an abundance of fairness, waited two additional weeks for plaintiff to respond. To date, she has not responded.

1 Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate  
2 judge's report and recommendation where no objections have been filed. *See United States v.*  
3 *Reyna-Tapia*, 328 F.3d 1114 (9th Cir.2003) (disregarding the standard of review employed by the  
4 district court when reviewing a report and recommendation to which no objections were made); *see*  
5 *also Schmidt v. Johnstone*, 263 F.Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit's  
6 decision in *Reyna-Tapia* as adopting the view that district courts are not required to review "any  
7 issue that is not the subject of an objection."). Thus, if there is no objection to a magistrate judge's  
8 recommendation, then this court may accept the recommendation without review. *See e.g.*,  
9 *Johnstone*, 263 F.Supp.2d at 1226 (accepting, without review, a magistrate judge's recommendation  
10 to which no objection was filed).

11 Nevertheless, this court finds it appropriate to engage in a de novo review to determine  
12 whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation  
13 and the underlying court order (doc. # 2) and complaint (doc. # 3), this court finds good cause to  
14 adopt the magistrate's findings in full.

15 Accordingly,

16 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the report and  
17 recommendation of Magistrate Judge Hoffman dismissing plaintiff Lucia Pitcher's complaint with  
18 prejudice (doc. # 4) be, and the same hereby is, ADOPTED in its entirety.

19 IT IS FURTHER ORDERED that plaintiff's complaint (doc. # 3) be, and the same hereby  
20 is, DISMISSED with prejudice because plaintiff failed to file an amended complaint within 30 days  
21 of the court's August 30, 2012, order.

22 DATED November 2, 2012.

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25 UNITED STATES DISTRICT JUDGE